

Mat.App. 9/2006

BEFORE

HON'BLE MR JUSTICE P.G.AGARWAL

HON'BLE JUSTICE SMTI A. HAZARIKA

AGARWAL, J:

Seen the joint petition filed by the petitioner Smti Dipty Dutta Borah and the Respondent Shri Padmeswar Borah.

Both the parties, husband and wife, have decided to dissolve their marriage by mutual consent subject to payment of permanent alimony of Rs.5,00,000/- (Rupees five lakhs only). The couple has two daughters, namely, Miss Aparajita Borah and Miss Pubali Kiran Borah, who are presently studying in school and are at present living with their mother Smti Dipty Dutta Bora. The custody of the two daughters has not been decided and it is left to them. However, the husband has agreed to pay a sum of Rs.3000/- (Rupees three thousand only) each to the two daughters, totaling Rs.6,000/- (Rupees six thousand only) per month to the mother for their up-keepment, education etc. In other words, the amount will be payable only when the two daughters reside with their mother and in case they decide to live with the father or otherwise, Shri Padmeswar Borah will not be liable to pay the amount. Further, the Respondent Shri Padmeswar Bora has agreed that this amount may be deducted from his salary and paid to Smti Dipty Dutta Borah for the period the two daughters remains with her.

The Respondent- husband Shri Padmeswar Borah is a permanent employee of the Hindustan Paper Corporation, Nagaon Paper Mill, Jagiroad. We, therefore, direct the Hindustan Paper Corporation to deduct a sum of Rs.6,000/- (Rupees six thousand only) per month from the pay bill of Shri Padmeswar Borah and remit the said amount to Srimati Dipty Dutta Borah. This shall be effected from the pay bill of February, 2007.

In view of the joint petition filed, the marriage between Shri Padmeswar Borah and Srimati Dipty Dutta Borah stands dissolved on mutual consent. This will, however, subject to payment of permanent alimony of Rs.5,00,000/- to be paid to the appellant by way of Account Payee Cheque, within a period of one month and the decree of divorce shall be given effect from the date of payment only.

The Matrimonial Appeal No.9/2006 along with Misc Case No.3362/06 and Misc Case No. 2077/06 stand disposed of in terms of the agreement/joint petition, the copy of which shall be kept on record which shall form part of the decree.

Interim orders passed earlier, stands vacated.